

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CIVIL ACTION

ANGELETA HAVELOW,
Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of the
Social Security Administration,
Defendant.

FILED

JUL 31 2009

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

NO. 08-4275

ORDER

AND NOW, this 30th day of July, 2009, upon independent review of Plaintiff's Brief and Statement of Issues in Support of Request for Review (Doc. No. 8), Defendant's Response to Request for Review of Plaintiff (Doc. No. 11), Plaintiff's Reply Brief (Doc. No. 13), and the administrative record, and after careful consideration of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;

2. The final decision of the Commissioner denying disability benefits to Plaintiff is

VACATED;

3. The matter is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Magistrate Judge's Report; and

4. In accordance with the Magistrate Judge's Recommendation, the Commissioner is **ORDERED** to direct that on remand, the ALJ: a) address the opinions as to temporary disability rendered by Dr. Weiss and the physician's assistant; b) resolve the status of the state agency adjudicator, Bernadette Oliver, if the ALJ seeks to rely on Ms. Oliver's opinion of Havelow's RFC;

and c) ensure that the testimony offered by the VE in response to a hypothetical reflects the ALJ's findings with respect to any limitations caused by Plaintiff's mental impairments and/or that the ALJ's written decision explains why any established limitations would not further limit Havelow's ability to perform work.

BY THE COURT:



LEGROME D. DAVIS,

J.